

## Judge Jan E. DuBois

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**Judge DuBois was born in 1931 in Philadelphia, Pennsylvania. He received a B.S. from the University of Pennsylvania in 1952, and an LL.B. from Yale University Law School in 1957. From 1957 to 1958, Judge DuBois was law clerk to Honorable Harry E. Kalodner of the United States Court of Appeals for the Third Circuit. From 1958 until 1988, he was in private practice in Philadelphia. He was appointed to the United States District Court for the Eastern District of Pennsylvania on July 27, 1988.**

### **PRELIMINARY GENERAL MATTERS**

#### **1.     *Correspondence With the Court***

Judge DuBois permits correspondence under the circumstances set forth in his standard Notice to Counsel, which is routinely sent to counsel promptly after assignment of a case to Judge DuBois. A copy of the Notice is attached. All other communications with the Court should be by the filing of pleadings, motions, applications, briefs, or legal memoranda.

#### **2.     *Communications With Law Clerks***

Judge DuBois permits communications with his law clerks concerning the administrative aspects of cases, but not on scheduling matters or requests for extensions of time which must be directed to his Courtroom Deputy.

#### **3.     *Telephone Conferences***

Judge DuBois usually finds telephone conferences a preferred method of handling matters such as discovery disputes, scheduling matters, and requests for extensions of time. A pretrial conference with counsel participating by telephone may be held upon timely request to the Court.

#### **4.     *Oral Arguments and Evidentiary Hearings***

Judge DuBois determines in any given case whether to schedule oral argument or an evidentiary hearing. If counsel prefer either an oral argument or an evidentiary hearing, they should request it. The scheduling of all such matters is handled by Judge DuBois' Courtroom Deputy. Judge DuBois does not set aside any certain days or times for oral arguments or evidentiary hearings.

#### **5.     *Pro Hac Vice Admissions***

Judge DuBois does not have a preference as to how counsel should submit a *pro hac vice*

motion to the Court.

## **CIVIL CASES**

### **Pretrial Procedure**

#### **1. *Pretrial Conferences***

Judge DuBois regularly conducts pretrial conferences. His pretrial conference policy is set forth in the attached Notice to Counsel. A Conference Information Report (see attached form) must be completed and forwarded to the Court at least three (3) days prior to the conference. If requested by counsel for any party, Judge DuBois will schedule a settlement conference. The scheduling of all such conferences is handled by his Courtroom Deputy. Judge DuBois uses a standard form of Scheduling Order pursuant to Rule 16 which is issued after the pretrial conference. Copies of the Scheduling Orders used in jury and non-jury cases are attached.

### **Continuances and Extensions**

#### **1. *General Policy***

Judge DuBois has a general policy of adhering to originally scheduled dates unless a compelling reason is presented that justifies a change. This policy applies to briefing schedules, oral argument, evidentiary hearings, discovery deadlines, and trial dates.

#### **2. *Requests for Extensions and Continuances***

Counsel should advise the Court immediately, and *before the date has run*, of any compelling reason justifying an extension or continuance of any originally scheduled date. Any request for an extension or a continuance may be made by letter, setting forth the reasons and noting the agreement or disagreement of all other counsel, or by telephone conference with all counsel participating.

### **General Motion Practice**

#### **1. *Oral Argument on Motions***

Judge DuBois schedules oral argument on motions when he believes it will be helpful in the Court's decision-making process.

#### **2. *Reply and Surreply Briefs***

Reply and surreply briefs should be filed only if absolutely necessary. Requests for time to do so shall be directed in the first instance to the Courtroom Deputy.

### **3.      *Chambers Copies of Motion Papers***

Judge DuBois requires that two (2) courtesy copies of motion papers be sent to his chambers when the originals are filed.

## **Discovery Matters**

### **1.      *Length of Discovery Period and Extensions***

In uncomplicated cases, Judge DuBois usually allows four (4) months to complete discovery, measured from the date appearances are filed for all defendants. If counsel have been diligent and genuinely need more time for discovery, he will usually grant additional time. In arbitration cases, the discovery should be completed by the arbitration date.

### **2.      *Discovery Conferences and Dispute Resolution***

Judge DuBois prefers that discovery disputes be resolved by discovery conferences, either by telephone or in chambers, if the parties are unable to resolve them without Court assistance. Where the discovery dispute is complex, a motion should be filed.

### **3.      *Confidentiality Agreements***

Judge DuBois has no standard practice or policy concerning confidentiality orders. He does not favor confidentiality orders that place virtually all discovery materials under a confidentiality nondisclosure status, even those agreed upon by counsel. All confidentiality agreements must comply with the Third Circuit opinion in *Pansy v. Borough of Stroudsburg*, 23 F.3d 772 (1994).

### **4.      *Expert Witnesses***

The conduct of expert witness discovery is covered by Judge DuBois at the pretrial conference and is the subject of a scheduling order. In most cases, Judge DuBois requires that plaintiffs serve expert reports and/or responses to expert witness discovery before a defendant is required to do so. Generally, Judge DuBois orders that all expert witness discovery be completed by the time fact discovery is concluded.

## **Settlement**

### **1.      *General Approach to Settlement and Non-jury Cases***

Judge DuBois believes the Court's involvement in settlement conferences is generally helpful. At the request of counsel for either party in a jury case, a settlement conference will be scheduled before Judge DuBois or a Magistrate Judge. Settlement conferences in non-jury cases are referred to Magistrate Judges.

## **2. *Referral of Settlement Negotiations to Another District Court Judge***

Judge DuBois sometimes refers another District Court Judge for a settlement conference.

## **Arbitration**

### **1. *General Approach to Arbitration Cases***

Judge DuBois has no standard procedures or practices for arbitration cases except that pretrial conferences are not normally held in such cases and, except in unusual cases, scheduling orders are not issued.

### **2. *Scheduling of Trial De Novo From Arbitration***

Once a trial *de novo* is demanded, Judge DuBois schedules a status conference. At the status conference, he issues a scheduling order covering all further proceedings including, but not limited to, limited additional discovery, the filing of pretrial memoranda, and the filing of proposed *voir dire* questions and proposed points for charge or proposed findings of fact and conclusions of law.

## **Proposed Final Pretrial Memoranda**

### **1. *Required Form of Pretrial Memoranda***

Unless specifically provided for by separate order in a particular case, in jury and non-jury cases Judge DuBois requires the use of the short form pretrial memorandum described in Local Rule of Civil Procedure 16.1(c) with four modifications--he requires that the following be set forth in separate sections of the pretrial memorandum: (a) objections to the admissibility of any exhibit based on authenticity; (b) objections to the admissibility for any reason (except relevancy) of any evidence expected to be offered; (c) objections to the adequacy of the qualifications of an expert witness expected to testify; and (d) objections to the admissibility of any opinion testimony from lay witnesses pursuant to Federal Rule of Evidence 701. Judge DuBois also requires a stipulation of uncontested facts as described in Local Rule of Civil Procedure 16.1(d)2(b)(2) (A) through (E).

## **Injunctions**

### **1.     *Scheduling and Expedited Discovery***

Judge DuBois will promptly list any injunction matters assigned to him. The scheduling of injunction matters is conducted at an initial conference attended by all counsel. In appropriate cases, Judge DuBois will require expedited discovery.

When plaintiff requests a temporary restraining order, Judge DuBois expects prompt service of the motion and complaint upon the opposing party and notice to opposing counsel unless, for good cause shown, this is impossible.

### **2.     *Proposed Findings of Fact and Conclusions of Law***

Judge DuBois requires submission of proposed findings of fact and conclusions of law in injunction cases as early as possible.

## **Trial Procedure**

### **1.     *Scheduling of Cases***

Judge DuBois routinely places all cases on his trial list. Cases are not assigned a date certain and very rarely are they specially listed. Counsel whose cases are in the pool must maintain telephone contact with his Courtroom Deputy.

### **2.     *Conflicts of Counsel***

Counsel should notify Judge DuBois of any professional or personal conflicts affecting the trial schedule by telephoning or writing to his Courtroom Deputy. Busy slips should be timely filed and withdrawn.

### **3.     *Cases Involving Out-of-Town Parties or Witnesses***

Trial scheduling by Judge DuBois is not generally affected by the presence of out-of-town parties or witnesses. Judge DuBois leaves the scheduling of witnesses to counsel.

### **4.     *Notetaking by Jurors***

Judge DuBois permits notetaking by jurors in complicated cases and in other cases in which it is deemed appropriate.

### **5.     *Trial Briefs***

Judge DuBois encourages the submission of trial briefs in unusual or complex cases and

in cases where unusual evidentiary problems are anticipated.

**6.      *Voir Dire***

Judge DuBois conducts the general *voir dire* in civil cases and permits attorneys to conduct the more case specific *voir dire*. Judge DuBois requires the submission of proposed *voir dire* questions in writing three (3) days before the case is placed on his trial list. In appropriate cases a jury questionnaire will be used.

**7.      *Side Bars***

Judge DuBois prefers that side bars be infrequent and sought only when truly necessary.

**8.      *In Limine Motions***

Judge DuBois requires that *in limine* motions which require resolution in order to allow opening statements and trial to proceed, be filed as early as possible. Other *in limine* motions may be filed before trial or during trial but generally will not be ruled upon until an appropriate time during the trial.

**9.      *Examination of Witnesses Out of Sequence***

Judge DuBois will generally grant a request by counsel to take the testimony of a witness out of turn for the convenience of the witness subject to objection by opposing counsel.

**10.     *Opening Statements and Summations***

No time limits are placed on opening statements or summations by counsel. However, Judge DuBois believes that twenty (20) to thirty (30) minutes is usually adequate for an opening and thirty (30) to forty-five (45) minutes is usually adequate for a summation in routine cases.

**11.     *Offers of Proof***

Judge DuBois requires the parties to inquire of each other privately as to offers of proof regarding any witness or exhibit expected to be offered. If counsel cannot resolve such matters, Judge DuBois will rule on them upon application before a witness testifies or an exhibit is offered into evidence.

**12.     *Examination of Witnesses or Argument by More Than One Attorney***

More than one attorney for a party may examine different witnesses or argue different legal points before Judge DuBois. Ordinarily, more than one attorney for a party may not examine a single witness or argue the same legal point.

**13. *Examination of Witnesses Beyond Redirect or Recross***

Judge DuBois has no general policy regarding further examination of a witness after redirect or recross has been completed. Where appropriate, he will allow it.

**14. *Videotaped Testimony***

Judge DuBois requires that a list of all objections to videotaped trial testimony and a copy of the transcript be submitted to the Court well in advance of the offering of such evidence.

**15. *Reading of Material Into the Record***

Judge DuBois has no special practice or policy for reading stipulations, pleadings, or discovery material into the record. He permits it when appropriate.

**16. *Preparation of Exhibits***

Judge DuBois requires that exhibits be marked and exchanged in advance of the trial. Two (2) copies of trial exhibits should be provided to the Court on the first day of trial. The trial exhibits should be accompanied by an exhibit list which describes each exhibit.

**17. *Offering Exhibits Into Evidence***

Counsel may choose the timing of their offer of exhibits into evidence.

**18. *Motions for Judgment as a Matter of Law and Motions for Judgment on Partial Findings***

Motions for judgment as a matter of law in jury trials under Federal Rule of Civil Procedure 50(a) and motions for judgment on partial findings in non-jury trials under Federal Rule of Civil Procedure 52(c) may be oral or written. Judge DuBois will hear oral argument on such motions if counsel request it.

**19. *Proposed Jury Instructions and Verdicts Forms***

Judge DuBois requires proposed jury instructions and verdict forms to be filed with the Clerk, and served on the Court (Chambers, Room 12613) in duplicate, three (3) days before the case is placed on the trial list. It is not necessary that counsel submit standard points normally given in civil and criminal cases. Judge DuBois will permit submission of supplemental jury instructions up to the time he charges the jury. He will rule on proposed jury instructions at a conference before closing speeches.

If a model jury instruction taken, for instance, from Devitt & Blackmar, *Federal Jury Practice and Instructions*, or Sand, *Modern Federal Jury Instructions* is submitted, the parties shall state whether the proposed jury instruction is unchanged or modified. If a party modifies a

model jury instruction, the modification shall be set forth in the following manner: additions shall be underlined and deletions shall be placed in brackets.

**20.     *Proposed Findings of Fact and Conclusions of Law***

Judge DuBois requires that proposed findings of fact and conclusions of law in non-jury cases be filed with the Clerk, and served on the Court (Chambers) in duplicate, three (3) days before the case is placed on the trial list.

**Jury Deliberations**

**1.     *Written Jury Instructions***

Judge DuBois generally gives the jury a copy of his charge in complex cases, but not in routine cases.

**2.     *Exhibits in the Jury Room***

Judge DuBois usually permits all exhibits received in evidence to go out with the jury unless there is an objection.

**3.     *Handling of Jury Requests to Read Back Testimony or Replay Tapes***

In cases where transcripts are available, Judge DuBois will consider reading appropriate portions requested by the jury. He will generally allow audiotapes and videotapes to be replayed in open court if necessary.

**4.     *Availability of Counsel During Jury Deliberations***

Counsel should be available on ten (10) minutes notice during jury deliberations.

**5.     *Taking the Verdict and Special Interrogatories***

Judge DuBois usually submits interrogatories to the jury in civil cases.

**6.     *Polling the Jury***

Judge DuBois has no standard practice for polling the jury in civil cases, but will permit it when requested. Polling of the jury is allowed in all criminal cases.

**7.     *Interviewing the Jury***

After a verdict has been recorded and a jury has been discharged, Judge DuBois usually permits counsel to interview jurors in the Courtroom, or immediately adjacent to the Courtroom.

Each juror is told that they are permitted to talk to counsel and others, but they need not do so.

### **Criminal Cases**

**1.     *Approach to Oral Argument and Motions***

Judge DuBois has no preference regarding oral arguments on motions in criminal cases.

**2.     *Pretrial Conferences***

Judge DuBois only holds pretrial conferences in complex criminal cases.

**3.     *Voir Dire***

In criminal cases, the *voir dire* is conducted by Judge DuBois and counsel. Judge DuBois requires the submission of proposed *voir dire* questions by counsel in writing three (3) days before the case is scheduled for trial.

**4.     *Sentencing Memoranda***

Judge DuBois requires the submission of sentencing memoranda by the Government and the defense no less than four (4) business days before sentencing.

### **OTHER GENERAL MATTERS**

Judge DuBois would like to receive copies of appellate briefs when a decision rendered by him is appealed.

DATE OF NOTICE \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

vs.                    )  
                          )  
                          )  
                          )  
                          ) NO.

**NOTICE**

Please be advised that a Preliminary Pretrial Conference in the above-captioned case will be held on \_\_\_\_\_ before the Honorable Jan E. DuBois in Room 12613, U.S. Courthouse, 601 Market Street, Philadelphia, Pennsylvania.

Attached is a Conference Information Report which you are required to complete and forward to the Court at least three (3) days prior to the Conference. Do not have this Report docketed. Also attached is the Court's Scheduling and Discovery Policy.

If trial counsel in this case is on trial in a court of record at the time of the Conference, another attorney in such trial attorney's office, who should be familiar with the case, is required to appear at the Conference. The Conference will be continued to another date only in exceptional cases.

\_\_\_\_\_  
George Wylesol,  
Deputy Clerk to Judge DuBois  
(267) 299-7339

cc:

## CONFERENCE INFORMATION REPORT

CIVIL ACTION NO. \_\_\_\_\_  
JURY TRIAL \_\_\_\_\_ NON-JURY TRIAL \_\_\_\_\_ ARBITRATION \_\_\_\_\_  
SERVICE OF PROCESS MADE \_\_\_\_\_  
Date

CAPTION:  
TRIAL COUNSEL \_\_\_\_\_  
REPRESENTING \_\_\_\_\_  
LAW FIRM \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
DISCOVERY COMPLETED \_\_\_\_\_ IF NOT, WHEN? \_\_\_\_\_  
Yes Date

SCHEDULED PROTRACTED DISCOVERY REQUIRED? \_\_\_\_\_  
Yes/No

IF SO, DESCRIBE SEGMENTS BY SUBJECT MATTER OR PARTIES AND SUGGEST  
DATES FOR SEGMENTS.  
\_\_\_\_\_

READY FOR TRIAL \_\_\_\_\_  
Date

FUTURE SETTLEMENT CONFERENCE REQUESTED \_\_\_\_\_  
Yes

TRIAL TIME  
TIME TO PRESENT YOUR CASE \_\_\_\_\_  
TIME FOR ENTIRE TRIAL \_\_\_\_\_

SPECIAL COMMENTS

DATE \_\_\_\_\_  
SIGNATURE OF COUNSEL \_\_\_\_\_

\_\_\_\_\_  
TYPED OR PRINTED NAME

## **NOTICE TO COUNSEL SCHEDULING AND DISCOVERY POLICY**

1. A Preliminary Pretrial Conference as described in Fed. R. Civ. P. 16(a), (b) and (c) will be held in Chambers approximately 60 to 90 days after an action is filed, or shortly after a case is reassigned to my calendar.

2. Motions to dismiss, transfer, add parties and other threshold motions should be filed, whenever possible, before the Conference. The prospect of motions for summary judgment should be noted at the Conference.

3. The Conference will take fifteen (15) to twenty (20) minutes. If it is truly impossible for trial or substitute counsel to attend the Conference, it may be held by telephone upon timely request to the Court. In a complex case, it is required that trial counsel be present.

4. At the Conference the following matters, among others, will be considered and acted upon:

(a) Jurisdictional defects, if any;

(b) Time limits to join other parties and to amend pleadings;

(c) Prospects of amicable settlement;

(d) Establishing schedules for remaining pretrial proceedings including discovery, pretrial filings, exchange of exhibits, exchange of expert reports, etc.; and,

(e) Setting a date for trial.

5. No further conferences will be held unless requested by counsel for exploration of settlement or for trial management or preparation purposes. Conferences of this type are encouraged provided counsel believe they will be useful.

6. In an uncomplicated case, discovery should be completed within 120 days after appearances have been filed for all defendants. The date for completing discovery will be set at the Preliminary Pretrial Conference. In more complex cases, at the Conference counsel will be directed to file a joint discovery schedule setting forth the dates, time intervals, and subjects of discovery to be completed by the deadline.

7. The discovery deadline means that all reasonably foreseeable discovery must be served, noticed, and completed by that date. Discovery may take place thereafter only by agreement of the parties, so long as the trial will not be delayed and trial preparation will not unreasonably be disrupted; provided however, that the Court will not entertain Motions to Compel discovery after the deadline date except when good cause is shown for the failure to timely serve the discovery or file such Motion before the deadline.

8. When timely discovery is not forthcoming after a reasonable attempt has been made to obtain it, the immediate assistance of the Court should be sought. See Local Rule of Civil Procedure 26.1(f) and (g). The Court encourages the submission of discovery disputes by telephone conference. Also discovery motions may be disposed of promptly by a telephone conference in lieu of the usual motion practice even before a response is filed.

9. Requests for extensions of discovery deadlines or trial pool entry dates can be made by letter, stating the reasons and noting the agreement or disagreement of all other counsel, or by telephone conference with all counsel participating.

10. The filing of a Pretrial Memorandum described in Local Rule of Civil Procedure 16.1(c) will be required. The requirements of Local Rule of Civil Procedure 16.1(d) will only be utilized when specially ordered by the Court.

11. After Arbitration, requests for trial *de novo* will result in the case being placed in the trial pool promptly. No discovery will be allowed after the Arbitration except upon order of the Court upon good cause shown as to why the discovery requested could not have been reasonably anticipated and completed prior to the Arbitration.

12. Unexcused violations of scheduling orders are subject to sanctions under Fed. R. Civ. P. 16(f), upon motion or the initiative of the Court.

13. Letters or written communications (which are discouraged) shall be directed to the Court and not to law clerks or to the Deputy Clerk. Telephone calls to law clerks are discouraged. Law clerks are not permitted to render advice to counsel and have no authority to grant continuances or to speak on behalf of the Court. All scheduling matters should be discussed with George Wylesol, Deputy Clerk (267-299-7339).

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JAN E. DUBOIS, J.

) CIVIL ACTION  
 )  
 vs. )  
 )  
 ) NO.

AND NOW, to wit, this \_\_\_\_\_ day of \_\_\_\_\_, 2000, following a \_\_\_\_\_ Preliminary Pretrial Conference on said date, IT IS ORDERED as follows:

- One (1) copy of each Pretrial Memorandum shall be served on the Court (Chambers, Room 12613) when the original is filed;

- <sup>1</sup>The trial time is estimated to be \_\_\_\_\_ to \_\_\_\_\_.

be offered; (C) the adequacy of the qualifications of an expert witness expected to testify; or, (D) the admissibility of any opinion testimony from lay witnesses pursuant to Federal Rule of Evidence 701; shall set forth separately each such objection in their Pretrial Memorandum. Such objection shall describe with particularity the ground and the authority for the objection;

9. If any party desires an “offer of proof” as to any witness or exhibit expected to be offered, that party shall inquire of counsel *prior to trial* for such information. If the inquiring party is dissatisfied with any offer provided, such party shall file a motion seeking relief from the Court prior to trial;

10. Because a witness may be unavailable at the time of trial as defined in Federal Rule of Civil Procedure 32(a)(3), the Court expects use of oral or videotape depositions at trial of *any witness* whose testimony a party believes essential to the presentation of that party’s case, whether that witness is a party, a non-party or an expert. The unavailability of any such witness *will not be a ground to delay* the commencement or progress of an ongoing trial. In the event a deposition is to be offered, the offering party shall file with the Court, prior to the commencement of the trial, a copy of the deposition transcript, but only after all efforts have been made to resolve objections with other counsel. Unresolved objections shall be noted in the margin of the deposition page(s) where a Court ruling is necessary and a covering list of such objections supplied therewith;

11. The parties shall meet to prepare a complete and comprehensive stipulation of uncontested facts pursuant to paragraph (d)(2)(b)(2) of Local Rule of Civil Procedure 21; two (2) copies of such stipulation shall be submitted to the Court (Chambers, Room 12613) at least three (3) days before the case appears on the trial list. The original shall be filed with the Clerk of the Court;

12. At least three (3) days before the case appears on the trial list, each party shall submit to the Court (Chambers, Room 12613) two (2) copies of: (a) proposed jury *voir dire* questions, (b) proposed jury instructions with *pinpoint* citations of authority for each point (ONE POINT PER PAGE), (c) proposed jury interrogatories, and (d) a trial memorandum on the legal issues involved in the case. The originals shall be filed with the Clerk of the Court;

If a model jury instruction taken, for instance, from Devitt & Blackmar, *Federal Jury Practice and Instructions*, or Sand, *Modern Federal Jury Instructions* is submitted, the parties shall state whether the proposed jury instruction is unchanged or modified. If a party modifies a model jury instruction the modification shall be set forth in the following manner: additions shall be underlined and deletions shall be placed in brackets; and,

13. At the commencement of trial, the Court should be supplied with two (2) copies of each exhibit and three (3) copies of a schedule of exhibits which shall briefly describe each exhibit.

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JAN E. DUBOIS, J.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

vs. ) CIVIL ACTION  
)  
)  
)  
) NO.

**SCHEDULING ORDER (NON JURY TRIAL)**

AND NOW, to wit, this \_\_\_\_\_ day of \_\_\_\_\_, 2000, following a  
\_\_\_\_\_ Conference on said date, IT IS ORDERED as follows:

1. All discovery shall proceed forthwith and continue in such manner as will assure that all requests for, and responses to, discovery will be served, noticed and completed by \_\_\_\_\_;
2. All trial exhibits shall be marked and exchanged on or before \_\_\_\_\_;
- 3.
- 4.
5. Any party expecting to offer opinion testimony from lay witnesses pursuant to Federal Rule of Evidence 701 with respect to issues of liability or damages shall, at the time required for submission of information and/or reports for expert witnesses on liability and damages, serve opposing parties with the same information and/or documents required with respect to such expert witnesses;
6. All parties shall prepare and file with the Clerk of Court their Pretrial Memoranda, in accordance with this Order and Local Rule of Civil Procedure 21(c) as follows:
  - (a) Plaintiff—on or before \_\_\_\_\_.
  - (b) Defendant—on or before \_\_\_\_\_.

One (1) copy of each Pretrial Memorandum shall be served on the Court (Chambers, Room 12613) when the original is filed;

7. The case will be placed on the Court's trial list on \_\_\_\_\_;<sup>2</sup>

8. Any party having an objection to: (A) the admissibility of any exhibit based on  
\_\_\_\_\_

<sup>2</sup>The trial time is estimated to be  
\_\_\_\_\_ to \_\_\_\_\_.

authenticity; (B) the admissibility for any reason (except relevancy) of any evidence expected to be offered; (C) the adequacy of the qualifications of an expert witness expected to testify; or, (D) the admissibility of any opinion testimony from lay witnesses pursuant to Federal Rule of Evidence 701; shall set forth separately each such objection in their Pretrial Memorandum. Such objection shall describe with particularity the ground and the authority for the objection;

9. If any party desires an “offer of proof” as to any witness or exhibit expected to be offered, that party shall inquire of counsel *prior to trial* for such information. If the inquiring party is dissatisfied with any offer provided, such party shall file a motion seeking relief from the Court prior to trial;

10. Because a witness may be unavailable at the time of trial as defined in Federal Rule of Civil Procedure 32(a)(3), the Court expects use of oral or videotape depositions at trial of *any witness* whose testimony a party believes essential to the presentation of that party’s case, whether that witness is a party, a non-party or an expert. The unavailability of any such witness *will not be a ground to delay* the commencement or progress of an ongoing trial. In the event a deposition is to be offered, the offering party shall file with the Court, prior to the commencement of the trial, a copy of the deposition transcript, but only after all efforts have been made to resolve objections with other counsel. Unresolved objections shall be noted in the margin of the deposition page (s) where a Court ruling is necessary and a covering list of such objections supplied therewith;

11. The parties shall meet to prepare a complete and comprehensive stipulation of uncontested facts pursuant to paragraph (d)(2)(b)(2) of Local Rule of Civil Procedure 21; two (2) copies of such stipulation shall be submitted to the Court (Chambers, Room 12613) at least three (3) days before the case appears on the trial list. The original shall be filed with the Clerk of the Court;

12. At least three (3) days before the case appears on the trial list, each party shall submit to the Court (Chambers, Room 12613) two (2) copies of: (a) proposed findings of fact and conclusions of law and (b) a trial memorandum on the legal issues involved in the case. The originals shall be filed with the Clerk of the Court; and,

13. At the commencement of trial, the Court should be supplied with two (2) copies of each exhibit and three (3) copies of a schedule of exhibits which shall briefly describe each exhibit.

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JAN E. DUBOIS, J.

